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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Masanori TOHNISHI et al.

Serial No.: 10/088,543 Group Art Unit: 1624

Filed: March 19, 2002 Examiner: V. Balasubramanian

For: AROMATIC DIAMIDE DERIVATIVES OR SALTS THEREOF, AGRICULTURAL/HORTICULTURAL CHEMICALS AND METHOD OF USING THE SAME

D E C L A R A T I O N

Commissioner for Patents
Washington, D. C. 20231

Sir:

Shinsuke FUJIOKA, a Japanese citizen, 1-28, Nishinoyamacho, Kawachinagano-shi, Osaka, Japan, hereby solemnly and sincerely declares:

That I am one of the co-inventors of the above-identified application;

That I have read and understand the Official Action and the prior art references cited in the Official Action dated April 8, 2003;

That in order to demonstrate that the insecticidal effect of the present compounds is unexpectedly superior to that of the compounds disclosed

in the cited EP-A-919542, I conducted the following comparative experiment:

1. Test compounds

The compound Nos. 136, 137, 140, 248, 265, 279, 284, 309, 321 and III-5 in Tables 1 and 3, on pages 46 and 51 to 54 and 56 of the present specification were used as the compounds for the present invention.

As to the comparative compounds, the compound Nos. 1975 and 1977 disclosed in EP-A-919542 were used as the comparative compounds.

2. Test method

The comparative tests were conducted by the procedures identical to those employed in the Test Examples 1 to 3 on pages 73 to 76 of the present specification, except that three concentrations of 500 ppm, 50 ppm and 5 ppm were used for the respective compounds. That is, Test Examples 1, 2 and 3 were carried out in order to investigate the insecticidal effects on diamond back moth (Plutella xylostella), Common cutworm (Spodoptera litura) and smaller tea tortrix (Adxophyes sp.).

The insecticidal effect of the present compounds and comparative compounds was evaluated according to the criterion below.

Criterion:

A --- Mortality 100%

B --- Mortality 99-90%

C --- Mortality 89-80%

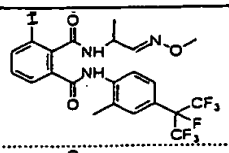
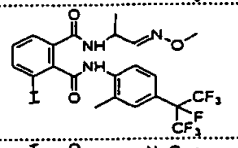
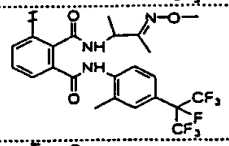
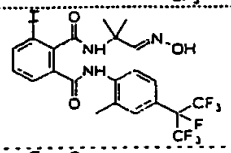
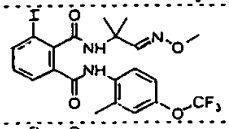
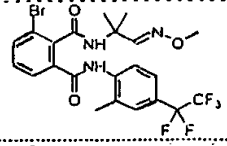
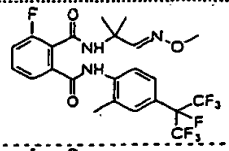
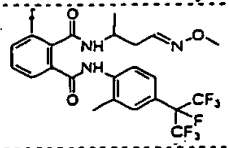
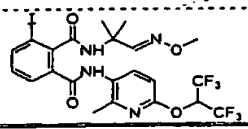
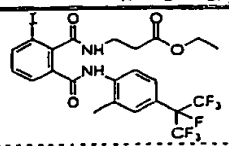
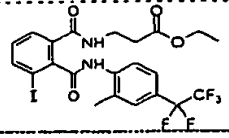
D --- Mortality 79-50%

- --- Mortality 49% or less

3. Test results

The test results obtained from the comparative test are shown in the following Table:

Table

		Formula	Concent-ration (ppm)	Test Example 1	Test Example 2	Test Example 3
Present application	No. 136		500	A	A	A
			50	A	A	A
			5	A	A	A
	No. 137		500	A	A	A
			50	A	A	A
			5	A	—	A
	No. 140		500	A	A	A
			50	A	A	A
			5	A	C	A
	No. 248		500	A	A	A
			50	A	A	A
			5	A	—	A
	No. 265		500	A	A	A
			50	A	A	A
			5	A	—	—
	No. 279		500	A	A	A
			50	A	A	A
			5	A	A	—
	No. 284		500	A	A	A
			50	A	A	A
			5	A	—	A
	No. 309		500	A	A	A
			50	A	A	A
			5	A	A	A
	No. III-5		500	A	A	A
			50	A	A	A
			5	A	—	A
Comparative	EP-919542 No.1975		500	A	A	—
			50	A	—	—
			5	—	—	—
	EP-919542 No.1977		500	A	—	—
			50	A	—	—
			5	—	—	—

4. Discussion

As is clearly indicated in the above Table, all the present compounds exhibited the excellent insecticidal effect rated "A (mortality: 100 %)" at the concentration of 500 and 50 ppm in the results of Test Examples 1, 2 and 3.

On the other hand, comparative compounds disclosed in EP-A-919542 exhibited mortality rated "-" (49 % or less) in most of the concentration of Test Examples 1, 2 and 3. The compound No. 1975 merely exhibited mortality rated A at 500 ppm and 50 ppm in Test Example 1, and at 500 ppm in Test Example 2. The compound No. 1977 exhibited the mortality rated A at 500 ppm and 50 ppm only in the Test Example 1.

Particularly, both of the compound Nos. 1975 and 1977 exhibited mortality rated "-" (49 % or less) on Test Example 3 (insecticidal effect on smaller tea tortrix (Adxophyes sp.)), even at the highest concentration of 500 ppm. However, most of the present compounds (compound Nos. 136, 137, 140, 248, 284, 309 and III-5) exhibited mortality rated "A (mortality: 100 %)" on Test Example 3, even at the lowest concentration of 5 ppm.

Thus, the present compounds possess unexpected insecticidal effect over the compounds disclosed in EP-A-919542.

The undersigned declarant declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this 30th day of July, 2003.

Shinsuke Fujioka

Shinsuke FUJIOKA